

ESTTA Tracking number: **ESTTA498737**

Filing date: **10/08/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 91202391 |
| Party | Plaintiff Altadis U.S.A. Inc. |
| Correspondence Address | CHARLES W GRIMES GRIMES BATTERSBY LLC 488 MAIN AVENUE THIRD FLOOR NORWALK, CT 06851 UNITED STATES dize@gandb.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Russell D. Dize |
| Filer's e-mail | dize@gandb.com |
| Signature | /Russell D. Dize/ |
| Date | 10/08/2012 |
| Attachments | Consented Motion to Suspend 100812.pdf (4 pages)(210126 bytes) |

3. It is well settled that the Board may suspend proceedings for settlement negotiations, subject to the right of either party to request resumption at any time. TBMP § 510.03(a). *See also Instruments SA Inc. v. ASI Instruments Inc.*, 53 U.S.P.Q.2d 1925, 1927 (TTAB 1999) (“the safest course of action for a party in pursuit of settlement is . . . to file a consented motion to suspend the proceeding”).

4. Counsel for the Applicant, R. Joseph Trojan, consented to a three month suspension of this proceeding in email correspondence with counsel for Opposer, Russell D. Dize.

5. In the event that a settlement is not finalized during the suspension, Opposer will notify the Board so that trial dates may be reset.

WHEREFORE, Opposer, with Applicant’s consent, respectfully requests that the Board suspend this proceeding, and for such other and further relief as the Board deems just and proper.

Dated: October 8, 2012

Respectfully submitted,

A handwritten signature in black ink that reads "Russell D. Dize". The signature is written in a cursive style and is positioned above a horizontal line.

Charles W. Grimes

Russell D. Dize

Attorneys for Opposer

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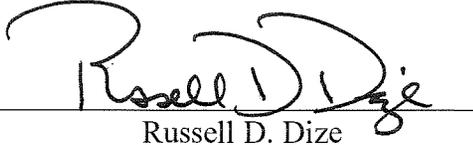
CERTIFICATE OF SERVICE AND FILING

The undersigned hereby certifies that a copy of the foregoing Consented Motion for Suspension was served on the Attorney/Correspondent of Record for Applicant on the date indicated below by depositing the same with U.S.P.S. First Class Mail, postage prepaid to:

R. JOSEPH TROJAN, ESQ.
TROJAN LAW OFFICES
9250 WILSHIRE BLVD STE 325
BEVERLY HILLS, CA 90212-3376

and further certifies that the aforementioned Notice of Opposition was filed with the Trademark Trial and Appeal Board on the date indicated below online through the ESTTA system of the United States Patent and Trademark Office.

Dated: October 8, 2012



Russell D. Dize